

REMARKS

Claims 1, 10, 23, 26, 27, 37, 47, 56, 68, 71, 72 and 82 are pending in this application.

In the Office Action, the Examiner indicated that claims 6, 10, 23, 26, 27, 37, 52, 56, 68, 71, 72 and 82 are allowable if they are rewritten in independent form. Applicant gratefully acknowledges the indication of allowable subject matter. Applicant has incorporated the language of allowable claims 6 and 52 into claims 1 and 47, rewritten dependent allowable claims 10, 26, 27, 56, 71 and 72 into independent claims, and amended dependent claims 23 and 37, and 68 and 82 so that they depend from claims 1 and 47, respectively. Thus, Applicant submits that all pending claims are now allowable. It should be noted, however, that the amendments to the claims are being made solely to advance prosecution of the application and Applicant intends to file a continuation application with the rejected claims.

In paragraph 1, the Examiner objected to the drawings for failing to show the limitations in the claims. Applicant submits that most of those objections are moot due to cancellation of claims, except for claims 68 and 72.

For claim 68, the Examiner objected to the drawings for failing to show “a comparison of a measured signal with a reference signal via comparators”. Applicant submits that FIG. 12 shows measured signals from the output of I (integrators) being compared to a switching threshold of a comparator K as described at page 16, lines 15-20 of the specification.

For claim 72, the Examiner objected to the drawings for failing to show “photon counting”. Applicant submits that FIG. 12 shows an array of “Multichannel detectors” that can be used as a photon counter which by itself is a well-known device. It is also supported by the present specification at page 17, lines 24-26.

In paragraph 2, the Examiner objected to the drawings because FIGS. 1a, 1b, 3a-3c, 4a and 4b are not labeled as “Prior Art”. Applicant is submitting replacement sheets to add the phrase “Prior Art” to those figures.

In paragraph 3, the Examiner objected to FIGS. 2 and 12 for failing to include some reference signs. Applicant has amended the specification to include those references except “phi”. “phi”, which stands for angular control, has been referenced with respect to FIG. 6 on page 9, line 22.

In paragraph 4, the Examiner objected to FIGS. 2 and 6-8 because they do not include reference signs mentioned in the specification: PO of FIG. 2; PH of FIG. 6; phi of FIG. 7; and PHS and PO of FIG. 8. Applicant submits that those are common reference signs that are interchangeable with the same signs in other figures. Accordingly, PO, PH, and PHS are shown in FIGS. 5 and 7. “phi” is shown in FIG. 8.

In paragraph 5, the Examiner objected to the specification because (PMT x), AOTF and “ Δ ” are unclear. Applicant submits that it is clear as x is referring to any number, meaning that any PMT can be used. The term AOTF stands for a well-known common device Acousto-Optical Tunable Filter. Applicant has amended “ Δ ” to “ $\Delta\lambda$ ” which is a word processor printing error. No new matter is added since the amendment is fully supported by the German priority application.

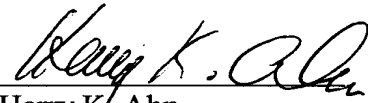
In paragraph 6, the Examiner objected to the specification for failing to provide antecedent basis for various terms recited in the claims. Applicant submits that the objection is moot with respect to cancelled claims, except claims 23 and 37. For claim 23, the phrase “wherein a comparison of the measured signal with a reference signal via comparators . . .” is shown in FIG. 12 which illustrates measured signals from the output of I (integrators) being compared to a switching threshold of a comparator K and also described at page 16, lines 15-20 of the specification.

For claim 37, the Examiner objected to the specification for failing to provide an antecedent basis for “x-y scanner in the illumination source”. Applicant has amended the erroneous phrase “illumination source” to “illumination path”. As shown in FIG. 2, an X-Y scanner is positioned in the illumination beam path in the laser scanning module.

Applicant believes that the Section 102 and 103 rejections are moot since all rejected claims have been cancelled without prejudice by this Amendment.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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